IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

SHAWNEE TERMINAL RAILROAD CO., INC.)
Plaintiff,)
v.) CIVIL ACTION NO. 09-0113-KD-N
J.E. ESTES WOOD CO., INC., et al.,)
Defendants.)

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is **ORDERED** that the plaintiff's Motion to Dismiss (Doc. 24) is **DENIED**.

DONE and ORDERED this the 15th day of December, 2010.

s/ Kristi K. DuBose KRISTI K. DuBOSE UNITED STATES DISTRICT JUDGE